

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Petition of)	
)	
Time Warner Entertainment Company,)	CSR-8686-A
L.P.,)	
)	MB Docket No. 12-208
For Modification of DMA)	
Station KLEI-TV)	
Mauna Kea Broadcasting Company)	
Kailua-Kona, Hawaii)	

COMMENTS OF HAWAIIAN TELCOM SERVICES COMPANY, INC.

Pursuant to Section 76.7 of the Commission’s rules,¹ Hawaiian Telcom Services Company, Inc. (“HTSC”) hereby files comments in support of the Petition of Time Warner Entertainment Company, L.P. (“TW”) that seeks to modify the Honolulu Designated Market Area (“DMA”) to exclude station KLEI-TV owned by Mauna Kea Broadcasting Company (“Mauna Kea”).² HTSC urges the Commission to grant TW’s Petition and make it applicable to HTSC as well.

OTW argues pursuant to Section 614(h)(1)(C) of the Communications Act, that KLEI-TV should be excluded from the Honolulu DMA with respect to its cable TV systems in the counties of Honolulu, Kauai, Kalawao, and Maui. It argues that Kailua-Kona is separated by vast distances of ocean, and is not considered as part of the systems’ markets. It also argues that KLEI’s re-run programming and infomercials, and programming of particularized issues with respect to the community of Kailua-Kona on

¹ 47 C.F.R. § 76.7.

² Petition of Time Warner Entertainment Company, L.P., For Modification of DMA Station KLEI-TV, Mauna Kea Broadcasting Company, Kailua-Kona, Hawaii, CSR-8686-A, MB Docket No. 12-208 (filed Jul. 13, 2012) (“TW Petition”).

the northwestern portion of the island of Hawaii, are not relevant to the other communities that TW serves. Finally, TW argues that KLEI-TV has no presence in these communities and is not significantly viewed in any of these communities.

HTSC is a new entrant into the video marketplace on the island of Oahu, county of Honolulu, in the State of Hawaii, having become a MVPD when it received a franchise from the Hawaii Department of Commerce and Consumer Affairs in June 2011. HTSC faces the dominant Time Warner Cable through its division Oceanic Time Warner Cable, which provides MVPD service to approximately 94 percent of the households on Oahu and over 90 percent of the households in the State of Hawaii.

HTSC fully supports TW's Petition, which should be granted with respect to HTSC for the same reasons stated in TW's Petition. HTSC's MVPD system is even further removed from KLEI-TV's localized over-the-air service territory, separated by approximately 208 miles of ocean. Consumers on Oahu where HTSC's MVPD system is located cannot view KLEI-TV over the air and have never viewed KLEI's programming. As stated in TW's Petition, KLEI-TV's signal has not been viewed even by TW's consumers on the island of Oahu.³ The Petition amply demonstrates that KLEI's programming broadcasts no local programming of interest on the island of Oahu, as well as on other islands, and adequate local stations already are carried on the island of Oahu that provide programming of local issues.⁴ Therefore, there is no "localism" justification for including KLEI-TV within the Honolulu DMA, where HTSC's market on the island

³ TW Petition at 4.

⁴ *Id.* at 8-11.

of Oahu is located. TW's request to exclude KLEI-TV from the Honolulu DMA should be granted pursuant to Section 614 of the Act.

For the same reasons TW raises in its Petition for Special Relief, HTSC asks that KLEI-TV be excluded from the Honolulu DMA for purposes of HTSC's provision of cable services and the must carry rules to the extent that those must carry rules apply to HTSC.

Respectfully submitted,

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Certificate of Service

I, Gregory J. Vogt, do hereby certify that I have on this 16th day of August 2012 caused a copy of the foregoing “Comments of Hawaiian Services Telecom Company, Inc.” to be served by U.S. mail upon the following:

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